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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,291

11/10/2003

George C. Schedivy

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

PAPER NUMBER

3782

MAIL DATE

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09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/705,291	<b>Applicant(s)</b> SCHEDIVY, GEORGE C.	
	<b>Examiner</b> Justin M. Larson	<b>Art Unit</b> 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24, 25, 27, 29-32, 34-37, 45, 46, 48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 25, 27, 29-32, 34-37, 45, 46, 48 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/08 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-22, 24, 25, 27, 29-31, 34-37, 45, 46, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,380,978 B1) in view of Leyden et al. (US 6,371,345 B1), and further in view of Yoshioka (JP 06197245 A).

Regarding claim 37, the video system of Adams et al. comprises a display (14), a media source (26) coupled to the display, and a housing (12) suspended at a rear of a vehicle seat, wherein the housing includes a cavity to receive an entertainment unit (10) in the housing and suspend the entertainment unit from the seat and the housing is capable of being fixed to different positions using a mounting mechanism that includes a wedge (see Figure 2A) positioned between the vehicle seat and the housing.

Adams et al. fail to disclose the mounting mechanism including at least one mounting post positioned between the seat and the housing where one end of the post is attached to a headrest post of the vehicle seat via a bracket including a ring and the other end of the post is attached to the housing via a moveable ball joint. Instead, the mounting mechanism of Adams et al. includes a flap of material attached to an upper end of the housing where the flap of material has two holes for mounting about the two posts of a vehicle seat headrest as shown in Figure 2A. Leyden et al., however, teach that it is desirable to moveably attach (col. 1 lines 20-25) an entertainment device (O) within a vehicle using a mounting mechanism that includes a post (14) having one end attached to a mounting surface in a vehicle and the other end attached to the entertainment device via a moveable ball joint (12/28). Similarly, Yoshioka discloses a device housing (3) suspended from the posts of a vehicle seat headrest via at least one mounting post (2), where the mounting post is secured about the headrest posts via a bracket that includes a ring (1a/4a), the ring having a circumference (formed by inner surfaces of 1a/4a) that is larger than a circumference of the headrest posts to permit free movement of the ring around the posts.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace with flap mounting mechanism of Adams et al. with a post mounting mechanism, as motivated by both Leyden et al. and Yoshioka, where one end of the post is moveably attached to the housing of Adams et al. via a ball joint, as taught by Leyden et al., and the other end of the post is attached via a bracket with a ring to the posts of a headrest, as taught by Yoshioka, in order to provide a mounting

mechanism that allows the position of the entertainment device to be adjusted to a greater degree (via the ball joint).

Regarding claim 20, the modified Adams et al. video system comprises an entertainment unit (10) comprising a display (14) and a media source (26), a housing (12) attached via a ball joint to at least one rigid member (mounting post) coupled via a bracket/ring to at least one headrest support member of a seat in a vehicle and suspended at a rear of the seat, wherein the housing includes a cavity to temporarily receive the entertainment unit (10) in the housing (12) and suspend the entertainment unit from the seat, and a wedge positioned between the seat and the housing, wherein the wedge is capable of being locked into a plurality of positions along the y-axis. Note that the DVD player (10) and its internal components could be removed from the outer casing (12) if one so desired.

Regarding claim 21, the bracket ring (1a/4a) of the modified Adams et al. video system opens and closes (via 5/6 as taught by Yoshioka) to allow placement of the ring around the headrest support member without removing the headrest from the seat.

Regarding claim 22, the bracket of the modified Adams et al. video system is in the shape of a ring as it wraps around the headrest supports and includes a locking mechanism (5/6), as taught by Yoshioka.

Regarding claims 24 and 45, the mounting post of the modified Adams et al. video system would be capable of being fixed in a plurality of positions along at least one of the x-axis, the y-axis, and the z-axis.

Regarding claims 25 and 46, the mounting post implemented on the Adams et al. video system, as taught by Yoshioka, is fixed using a locking nut (6).

Regarding claims 27 and 48, the wedge of the modified Adams et al. video system has one end mounted to the housing and another end of the wedge is butted against the vehicle seat (see Figure 2A of Adams et al.).

Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of the modified Adams et al. video system must be one of the two.

Regarding claim 30, the housing of the modified Adams et al. video system includes an opening (DVD slot) that provides access to the media source.

Regarding claim 31, the housing of the modified Adams et al. video system includes an opening for allowing a view of the display.

Regarding claim 34, the modified Adams et al. video system is shown to have a power port (Figure 2A, Adams).

Regarding claim 35, the media source of the modified Adams et al. video system is slot-type.

Regarding claim 36, the media source of the modified Adams et al. video system includes a DVD player (10).

3. Claims 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al., in view of Leyden et al. and Yoshioka as applied above, further in view of Meritt (US 6,216,927 B1).

The video system of Adams et al. includes the claimed features except for the housing being formed in substantially a U-shape having an open side through which the

entertainment unit is inserted or removed. Meritt, however, discloses a similar video system suspended at the rear of a vehicle seat and teaches that a housing is substantially U-shaped having an open side through which the entertainment unit is inserted or removed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a housing like that taught by Meritt with the video system of Adams et al., where the housing would be attached to the vehicle seat and the entire entertainment device (10/12/14/26) would be removably stored within the housing such that the device could be easily removed from the housing for use outside the vehicle.

#### ***Response to Arguments***

4. Applicant's arguments filed 9/5/08 have been fully considered but they are not persuasive.

Applicant has asserted that Adams, when taken alone, or in combination with Leyden, Yoshioka and/or Meritt does not disclose or suggest the bracket as claimed, where the bracket includes a ring, the ring having a larger circumference than that of the headrest support so that the bracket is freely moveable around the headrest support. Examiner notes that the modified Adams system, as set forth in paragraph 3 above, is attached to a headrest support post via a bracket ring (1a/4a, as taught by Yoshioka), where the ring has a circumference as claimed. The bracket members 1a and 4a of Yoshioka form a ring as claimed. Examiner notes that a ring does not have to be circular, a circumference can apply to a non-circular boundary, and that a ring does not have to be one solid piece, as evidenced by Applicant's claim 21.

***Conclusion***

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 6am-10am, 12pm-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. L./  
Examiner, Art Unit 3782  
9/26/08

/Nathan J. Newhouse/  
Supervisory Patent Examiner, Art Unit 3782